

# INTERCOLLEGIATE ATHLETICS COMPLIANCE

## Executive Summary

At the request of our Executive Sponsors – Trustees Van Houten and Krinkie and Office of Internal Auditing Executive Director Beth Buse – the Intercollegiate Athletics Compliance Project focused on the following questions: 1. What is the intercollegiate athletic landscape within the system? (e.g. number and type of teams within each division); 2. What are the NCAA and NJCAA compliance requirements for the three divisions? What are the significant differences between the divisions?; 3. What are the impacts of not meeting requirements?; 4. How are Minnesota State Colleges and Universities meeting the compliance requirements? What are significant challenges in meeting requirements?; and 5. Nationally, how is internal audit being used to review compliance requirements?

In summary, our research found that within MnSCU:

- 6 out of 7 Universities have sports that compete within the NCAA
  - Of the 6 Universities, all compete in Division II
  - In addition, 3 Universities compete in Division I
    - Bemidji State University (Men’s and Women’s Hockey)
    - Minnesota State University Mankato (Men’s and Women’s Hockey)
    - St. Cloud State University (Men’s and Women’s Hockey)
  - One university also competes in Division III
    - Winona State University (Gymnastics)
  - Conferences include:
    - NSIC
    - WCHA
    - WIAC
- 14 out of 30 Community and Technical Colleges compete within the NJCAA
  - All compete in Division III
- In addition, 1 Community and Technical College competes Independently
  - Century College

For more comprehensive information on MnSCU’s intercollegiate athletic landscape, we refer you to Table I: Divisions and Conferences (Page 7); Table 2: Member Schools and Sports (Page 9); and Table 3: Member School Contact Information (Page 11).

After conducting research into the compliance practices of MnSCU member schools, this report identifies five potential compliance risks:

- At some member schools, the compliance officer and the coach are the same person. There is a possibility of wrong-doing when filling out eligibility forms.
- No consistent system-wide format for capturing potential recruit visits and contacts. This could be a NCAA or NJCAA Sanction 1 or 2 violations.
- No set requirement to retain forms so the potential exists that proper documentation would not be available for audit and investigation purposes.
- Ensuring that athletes are eligible both initially and on an ongoing basis can consume the majority of the Athletic Director or Compliance Officer’s time. This is a critical issue as it is a major NCAA and NJCAA compliance regulation.
- NCAA and NJCAA audits occur every ten years and only 10% of member school teams are audited per season. A member school could be out of compliance for a number of years without knowing it and the penalty is more severe the longer they are non-compliant.

It is the project team's opinion that, overall, MnSCU member schools strive to achieve and maintain compliance with NCAA and NJCAA rules and regulations. As is true in many regards, the larger state universities have more financial and personnel resources that can be directed to their compliance efforts than do the smaller community/technical member schools. Therefore, it is our recommendation that the system office develop an "Intercollegiate Athletic Compliance Best Practices Guide" that provides all MnSCU member schools with access to the expertise developed by our member schools on this important topic.

This report also recommends two excellent sources for initial and ongoing informational purposes. The first source is MnSCU General Counsel Office's Gender Equity and Athletics webinar of November 30, 2011 presented by Assistant General Counsel Scott Goings. Mr. Goings provided a broad overview of gender equity in athletics as it relates to MnSCU colleges and universities. This webinar can be found at: <http://www.ogc.mnscu.edu/events/workshops.html>.

The second source is the National Association of College and University Attorneys' (NACUA) **Equity and Title IX in Intercollegiate Athletics – A Practical Guide for Colleges and Universities – 2012** document which can be found at: <http://www.ncaapublications.com/productdownloads/EQT112.pdf>. Both sources provide exceptional in-depth information on relevant compliance rules and regulations as they pertain to MnSCU member schools.